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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,382	06/28/2001	T.V.L.N. Sivakumar	NOKI14-00003	5552

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EXAMINER

DAGOSTA, STEPHEN M

ART UNIT PAPER NUMBER

2683

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/894,382	<b>Applicant(s)</b> SIVAKUMAR, T.V.L.N.	
	<b>Examiner</b> Stephen M. D'Agosta	<b>Art Unit</b> 2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*By*

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 11-28-2005 have been fully considered but they are not persuasive.

1. Claims 8 and 9 are allowed.
2. After further review, the examiner objects to claims 3 and 6 as containing novel material.
3. Claims 1-2, 7 and 10 are rejected still.
4. With regard claim 1, the applicant argues that the prior art does not reject the claim. The primary examiner disagrees for several reasons; a) the claim is broadly written and the terms "entity presence", "entity" and "entity types" can be broadly interpreted, b) the prior art put forth teaches, in combination, a broad interpretation of the claims, c) the applicant is attacking the references individually and the rejection is a USC 103 rejection, hence this is not appropriate (eg. the remarks states Wynblatt "fails to teach a portable information unit" yet Treyz teaches that. Also, Wynblatt does teach a mobile information terminal, abstract).
5. As stated above, at least Treyz and Wynblatt teach a "portable information unit" (Treyz's abstract teaches a handheld computing device while Wynblatt's abstract teaches a mobile information terminal).
6. The applicant argues Wynblatt fails to teach alerting the user to when only certain specific data is received. The examiner disagrees since Wynblatt teaches the user can program their terminal with preferences (which are sent to the network) so that the user can always receive the most relevant information about their services (C6, L7-16). Hence, the examiner upholds his rejection since he interprets the combination of teachings from Treyz, Maruyama and Wynblatt to read on claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 6-7 and 10** rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. US 6,587,835 and further in view of Maruyama et al. US 5,732,326 and Wynblatt et al US 6,219,696 (hereafter Treyz and Maruyama and Wynblatt).

As per **claim 1**, Treyz teaches a local data provision system (abstract teaches sending "local" shopping mall data to a shopper) comprising:

A plurality of transmitters each located at a respective entity having a limited range of physical utility (figure 13 teaches a merchant's transmitter, #182 that sends data to handheld computing device #12 and is a local signal, C20, L57 to C21, L24, C22, L16-29 and C27, L45-54), and

Each transmitter being arranged repeatedly to transmit wirelessly a signal carrying data indicating the presence of the respective entity over a range substantially coterminous with the range of utility of that entity (Figure 49, #556/#558 discloses merchant transmits RF in a coverage area that is coterminous with their store, C22, L16-29 teaches multiple transmitters that are needed to cover different areas while figures 16 and 17 define coterminous areas based on the footprint of a store and/or a shopping store aisle); and

A personal information unit comprising a user interface for signaling information to a user and a receiver arranged to receive the availability entity presence data and to cause the user interface to signal information to the user in dependence on the received entity presence data (abstract teaches a handheld computing device that receives data wirelessly from the transponders, also see figures 1-2, 12-13, 14, 19-20 and C1, L5-52).

Art Unit: 2683

**But is silent on** “on demand” reception of transmitted data and the signal carrying data indicating the presence of a respective entity includes data indicating the type of the entity; and

the personal information unit includes a memory capable of storing a plurality of entity types and the personal information unit is arranged to cause the user interface to signal information to the user only if the received entity presence data includes data indicating one of the stored types.

Maruyama teaches a wireless information guiding system (title, abstract) that provides a user the ability to control when they receive data (eg. “start/stop” functions reads on “on demand” -- figure 6 and C10, L4-22) and how much detail they wish to receive (via Information Depth Key, figure 6). This allows a user to control when and how fast they receive information about a museum exhibit and how much detail they wish to know.

Wynblatt teaches a system for providing targeted Internet information to a mobile (title) whereby URL's are actively broadcasted to mobiles to allow them to receive data via a short-range transmitter/hotspot (abstract, figures 1-2, C1, L60 to C2, L10 and C3, L38-49). Wynblatt also teaches a local agent (eg. software) and the ability to customize what data is received (C6, L8-16) which reads on “personal information unit includes memory capable of storing a plurality of entity types” and “signal information to the user only if the entity presence data includes one of the stored types”.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz, such that data is transmitted in an on-demand fashion AND a signal carries data indicating the presence of a respective entity includes data indicating the type of the entity AND the personal information unit includes a memory capable of storing a plurality of entity types AND is arranged to cause the user interface to signal information to the user only if the received entity presence data includes data indicating one of the stored types, to provide means for the user to control the time and rate at which they receive data based on the mobile accepting data from transmitters that it can receive/decipher.

Art Unit: 2683

**Claim 2** is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 1 and Treyz teaches a radio signal (figure 13 shows wireless RF link #180 between handheld and merchant).

**Claim 7** is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 1 and Treyz teaches the personal information unit being a cellular phone (C9, L56-63).

**Claim 10** is rejected based on Treyz in view of Maruyama/Wynblatt as stated above in claim 1 and Treyz teaches wherein the personal information unit is a portable unit (abstract teaches a "handheld device" and C9, L56-63 teaches the unit can be a cellular phone both of which inherently portable).

***Allowable Subject Matter***

**Claims 8 and 9** allowed.

**Claims 3 and 6** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim 6:** The prior art of record, alone or in combination does not teach "wherein the personal information unit includes input means for allowing a user to specify the plurality of entity types to be stored.

**Claim 3:** The prior art of record, alone or in combination does not teach the respective transmitter transmits wirelessly a signal carrying data indicating the status of the respective entity

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
Primary Examiner  
12-2-2005

